REMARKS

Favorable reconsideration is respectfully requested in view of the foregoing amendments and the following remarks.

I. CLAIM STATUS AND AMENDMENTS

Claims 1-36, 38, 40, 42, 44 and 47-52 were pending in this application when last examined.

Claims 3, 36, 38, 40, 42 and 44 were examined on the merits and stand rejected.

Claims 4-13, 16-35 and 47-52 were withdrawn as non-elected subject matter.

Claims 36, 38, 40, 42 and 44 are cancelled without prejudice or disclaimer thereto.

Finally, it is noted that in item 5 on pages 1 and 3, claims 1, 2, 14 and 15 have been indicated as allowed.

II. ENABLEMENT REJECTION

On page 2, claim 3 has been rejected under 35 U.S.C. § 112, first paragraph, for lacking enablement regarding "fat weight". Applicants respectfully traverse this rejection.

Applicants note that those skilled in the art who read the present specification would understand that a method for increasing any other type of fat weight in any other mammals is enabled. For evidence, we herein submit the following three publications issued before the priority date of the present application.

J. Lipid Res. 12; 706-714(1971); [Attachment A]

This article relates to study of cellularity of adipose depots in the genetically obese Zucker rat. In the study, the cellularity of epididymal fat was analyzed for investigating the changes in adipose tissue cellularity. For example, it is stated on page 706, right column, lines 18 to 26 that *"The present report describes the changes in adipose tissue cellularity that occur during growth and development of the Zucker "fatty" and its lean littermate. In addition, the cellularity of three adipose depots, epididymal, retroperitoneal, and subcutaneous, in the adult "fatty" is compared with the cellularity of the same sites in two types of control animals, namely,*

the Zucker lean littermate and the lean littermate made obese by hypothalamic lesion."

Further, this article relates to the study of an obese-model rat. Therefore, Applicants note that this article was written on the assumption that results obtained in rats correlate to other animals, in particular, human. For example, it is stated on page 706, right column, lines 11 to 14 that *"Further studies of adipose cellularity during the development of obesity are warranted. The Zucker rat, designed 'fatty," provides an excellent model for such investigations."*

J. Nutr. 108; 1652-1662(1978); [Attachment B]

This article relates to study of adipose cellularity and body composition in polygenic obese mice. In the study, the weight of the epididymal fat was analyzed as an index of body fat weight. For example, it is stated on page 1662, left column, lines 8 to 14 that *"There is a remarkable temporal parallel between epididymal fat pad weight and total body fat weight or percentage of body fat. The high correlation between epididymal fat pad weight and total body weight suggests that this fat depot does provide a reflection of overall fat accretion."*

J. Lipid Res. 9; 110-119(1968); [Attachment C]

This article relates to methods for sizing and counting adipose cells in human and animals. The advantages of four methods were evaluated for rat, mouse, and human adipose tissues. For example, it is stated on page 110, right column, lines 20 to 24 that *"These newer methods are evaluated, and one technique, method III, is recommended because of simplicity, accuracy, and general applicability to rat, mouse, and human adipose tissue."* Applicants note that this article was written on the assumption that results obtained in rats correlate to other animals. Further, the epididymal fat pads obtained from adipose tissues of rats and mice were used for the evaluation.

Therefore, Applicants note that a person of skill in the art in view of these references would understand that the Examples in the specification enable increasing fat weight in mammals, without undue experimentation.

Thus, Applicants note that a person skilled in the art, based on the experiments shown in the specification, would believe that the method of claim 3 is enabled. Thus, this rejection is untenable and should be withdrawn.

III. SECOND ENABLEMENT REJECTION

In item D on page 3, claims 36, 38, 40, 42 and 44 were rejected under 35 U.S.C. § 112, first paragraph, as failing to comply with the enablement requirement. These claims are cancelled without prejudice and therefore this rejection is moot.

CONCLUSION

In view of the foregoing amendments and remarks, it is respectfully submitted that the present application is in condition for allowance and early notice to that effect is hereby requested.

If the Examiner has any comments or proposals for expediting prosecution, please contact the undersigned attorney at the telephone number below.

Respectfully submitted,

Takayuki HIDA et al.

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